

1 UNITED STATES DISTRICT COURT
2 DISTRICT OF NEVADA

3 PARNELL COLVIN,

Case No.: 2:20-cv-01765-APG-EJ

4 Plaintiff

Order Regarding Trial

5 v.

6 M.J. DEAN CONSTRUCTION, INC.,

7 Defendant

8 1. Counsel for all parties in civil and criminal cases, and all *pro se* parties, will appear
9 for Calendar Call. The individual parties in civil cases and defendants in criminal cases are not
10 required to appear for Calendar Call unless a party in a civil case or a defendant in a criminal
11 case is appearing *pro se*.

12 2. At Calendar Call, all cases that remain to be tried will be ranked in order of trial. I
13 will attempt to address all outstanding issues, including any pending motions in limine. I will
14 not grant a continuance to any party absent a showing of good cause. Unless I otherwise direct,
15 the cases will be tried one after the other on 24 hours' notice from my Courtroom Administrator.

16 3. **TRIAL COUNSEL. I strongly encourage lead counsel to permit newer lawyers**
17 **(six years or less experience) to examine witnesses at trial and to have an important role. It**
18 **is the way one generation will teach the next to try cases and to maintain our district's**
19 **reputation for excellence in trial practice. The one-lawyer-per-witness rule will be relaxed**
20 **to allow newer lawyers a chance to perform, so long as this courtesy is not abused.**

21 4. **CHANGE OF PLEA HEARINGS IN CRIMINAL CASES.** It is the joint
22 responsibility of counsel for the United States and for the defendant to ensure that the plea
23 agreement is emailed to my Courtroom Administrator (at Melissa_Johansen@nvd.uscourts.gov)

1 **by 4:00 p.m. at least five days** before the day the plea is to be taken. Counsel for the United
2 States is to ensure that any necessary “produce orders” or Writs of Habeas Corpus Ad
3 Prosequendum are timely delivered to the United States Marshal to ensure the presence of in-
4 custody defendants for changes of plea, and to ensure proper notification for the attendance of
5 any interpreter that may be required.

6 5. **WITNESSES.** The parties will immediately subpoena all witnesses for the time and
7 trial date as listed above. Because some cases may be tried in a trailing fashion, the subpoenas
8 should contain a special instruction from counsel directing witnesses to contact counsel for
9 further instructions before appearing for trial. Witnesses are not required to be present at the
10 Calendar Call.

11 6. **USE OF EVIDENCE DISPLAY EQUIPMENT.** Parties wishing to utilize the
12 court’s evidence display equipment must contact the Courtroom Administrator prior to Calendar
13 Call to arrange for testing and any needed training.

14 7. **EXHIBITS.** **At least two weeks prior to trial, the parties are to confer about the**
15 **exhibits and objections listed in the Pretrial Order to arrive at a single set of agreed-upon**
16 **exhibits.** No later than noon on the day of Calendar Call, the parties will file a joint list of (1) all
17 agreed-upon trial exhibits, and (2) each party’s separate list of proposed exhibits to which the
18 other party objects. Each exhibit is to be pre-marked with an exhibit sticker. Plaintiff’s exhibits
19 will be marked 1 through 500. Defendant’s exhibits will be marked 501 through 1000. The
20 exhibit lists will match the form provided by the Courtroom Administrator or obtained from the
21 court’s website: www.nvd.uscourts.gov.

22 In any case involving 15 or more document exhibits, the pre-marked exhibits will be
23 placed in a loose-leaf binder behind a tab noting the number of each exhibit. The binder will be

1 clearly marked on the front and side with the case caption and number and the sequence of
2 exhibits. If oversized binders are used, the holes in the documents will be large-sized so the
3 pages may be easily turned. At the commencement of trial, the parties will provide the
4 Courtroom Administrator with the binder(s) containing the exhibits and a courtesy set for me. If
5 it is necessary to use more than three binders, the party must contact the Courtroom
6 Administrator prior to Calendar Call for additional directives.

7 **8. PROPOSED JURY VOIR DIRE QUESTIONS.** No later than noon on the day of
8 Calendar Call, each party will file proposed jury voir dire questions they want me to pose to
9 prospective jurors at the time of jury selection.

10 **9. WITNESS LISTS.** No later than noon on the day of Calendar Call, each party will
11 file a list of witnesses expected to be called.

12 **10. STATEMENT OF THE CASE.** No later than noon on the day of Calendar Call,
13 the parties will file an agreed-upon, brief statement of the case, no longer than one-half page,
14 stating the nature of the civil claims or criminal charges to be read to prospective jurors at the
15 time of jury selection. If the parties cannot agree on a statement of the case, they will each file a
16 separate statement of the case.

17 **11. JURY INSTRUCTIONS IN CRIMINAL CASES.** No later than on the day of
18 Calendar Call, each party will file proposed jury instructions and email a copy in Word format to
19 chambers at APG_Chambers@nvd.uscourts.gov.

20 I have developed my own “stock” or “general” jury instructions, drawn principally from
21 the Manual of Model Criminal Jury Instructions for the Ninth Circuit. They are posted on my
22 page of the court’s website. The parties’ proposed instructions need not include “stock” jury
23 instructions unless there is a specific disagreement with one of mine. Therefore, the parties

1 should focus their efforts on developing jury instructions that relate to the particular case at issue.
2 All proposed jury instructions submitted by the parties should be concise, understandable, neutral
3 statements of law. Argumentative jury instructions are improper, will not be given, and should
4 not be submitted.

5 **12. GOVERNMENT’S TRIAL MEMORANDUM.** In all criminal cases, the United
6 States will file under seal its original Government’s Trial Memorandum before Calendar Call
7 and will also provide a courtesy copy for me. The Government’s counsel must serve the Trial
8 Memorandum on counsel for the defendant(s) on the date of trial prior to trial commencement
9 and move to unseal it at that time. Defense counsel may file a Trial Memorandum. Should
10 defense counsel elect to do so, that Trial Memorandum will be filed and served upon the
11 Government’s counsel prior to the defense commencing its side of the case, and a courtesy copy
12 delivered to me.

13 **13. JURY INSTRUCTIONS IN CIVIL CASES.** In all civil cases to be tried before a
14 jury, the parties are required to file one set of jointly agreed-upon jury instructions and form of
15 verdict no later than noon on the day of Calendar Call. Additionally, counsel will email a copy
16 of all proposed jury instructions in Word format to chambers at
17 APG_Chambers@nvd.uscourts.gov. **To meet this requirement, the parties are required to**
18 **file their individual proposed jury instructions and serve those upon each other at least two**
19 **weeks prior to trial, and to thereafter confer to arrive at a single set of jointly agreed-upon**
20 **jury instructions.** To the extent the parties are unable to agree as to any particular instruction,
21 each party will also file the jury instructions which are not agreed upon, together with the
22 respective arguments and authorities in support of each.

1 I have developed my own “stock” or “general” jury instructions, drawn principally from
2 the Manual of Model Civil Jury Instructions for the Ninth Circuit. They are posted on my page
3 of the court’s website. The parties’ proposed instructions need not include “stock” jury
4 instructions unless there is a specific disagreement with one of mine. Therefore, the parties
5 should focus their efforts on developing jury instructions that relate to the particular case at issue.
6 All proposed jury instructions submitted by the parties should be concise, understandable, neutral
7 statements of law. Argumentative jury instructions are improper, will not be given, and should
8 not be submitted.

9 **14. TRIAL BRIEFS, PROPOSED FINDINGS OF FACT, AND CONCLUSIONS**
10 **OF LAW IN CIVIL CASES.** No later than noon on the day of Calendar Call, each party will
11 file their trial brief. Additionally, in all civil cases to be tried without a jury, the parties will
12 electronically file proposed Findings of Fact and Conclusions of Law no later than noon (12:00
13 p.m.) on the day of Calendar Call. Additionally, the parties will email a copy of their proposed
14 Findings of Fact and Conclusions of Law in Word format to chambers at
15 APG_Chambers@nvd.uscourts.gov.

16 **15. EXPEDITED OR DAILY TRANSCRIPTS.** Any party requiring expedited or
17 daily transcripts must submit the appropriate order form and contact the Court Reporter (Paige
18 Christian, at paige_christian@nvd.uscourts.gov or 702-471-1050) immediately upon receipt of
19 this order. Special arrangements and advance deposits likely will be required. Failure to timely
20 contact the Court Reporter may result in the refusal to provide expedited or daily transcripts.

21 **16. SANCTIONS.** As provided for under the Local Rules of Practice of this District, I
22 will consider the imposition of sanctions against any attorney or party who: (1) fails to timely file
23 trial briefs, witness and exhibit lists, suggested voir dire questions, proposed jury instructions, or

1 proposed Findings of Fact and Conclusions of Law, whichever is applicable; (2) fails to comply
2 with the provisions of this Order, including failing to appear for Calendar Call without first
3 having been excused by me or the Courtroom Administrator with my permission; or (3) fails to
4 timely comply with any other Order that schedules deadlines for trial preparation.

5 17. **TRIAL JUDGE.** Although the cases listed on the attached trial calendar are
6 assigned to me, cases may proceed to trial before another District Court Judge.

7 18. **CONSENT TO TRIAL BEFORE A MAGISTRATE JUDGE.** All parties in civil
8 actions are reminded of their right, subject to my approval, to consent to trial before a United
9 States Magistrate Judge under 28 U.S.C. § 636(c)(2). This includes cases tried before a jury and
10 bench trials without a jury. Any appeal from a trial before a Magistrate Judge will be taken
11 directly to the United States Court of Appeals.

12 19. **CONTACT PERSON.** All questions and requests for information regarding the
13 trial calendar are to be directed to the Courtroom Administrator, Melissa Johansen, at 702-464-
14 5415 or Melissa_Johansen@nvd.uscourts.gov.

15 20. The date of the Clerk's file mark on this order will constitute the date of this Order.

16
17 
18 _____
19 ANDREW P. GORDON
20 UNITED STATES DISTRICT JUDGE
21
22
23